

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 20TH APRIL 2007 / 30TH CHAITHRA 1929

Bail Appl..No. 2401 of 2007()

(Crime No. 2401/2007 of Thirunelly Police Station)

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: PETITIONER/ACCUSED NO.1 (IN CUSTODY)

A.M.JAMES, S/O.MATHEW, AGED 35 YEARS,
AAPUZHIAYIL HOUSE, ANCHUKUNNU AMSOM DESOM,
MANANTHAVADY, WAYNAD DISTRICT.

BY ADV. SRI.GRASHIOUS KURIAKOSE
SMT.CELINE JOSEPH

RESPONDENTS: COMPLAINANT

STATE - S.I. OF POLICE, THIRUNELLY,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV.SMT.L.LAKSHMI RAVI PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 20/04/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K.T.SANKARAN, J.

B.A. No. 2401 of 2007

Dated this the 20th day of April, 2007

O R D E R

This is an application for bail under Section 439 of the Code of Criminal Procedure.

2. The petitioner is the first accused in Crime No. 31/2007, Thirunelly Police Station. The offence alleged against him is under Section 8 (2) of the Abkari Act.

3. The petitioner moved an application for bail before the Court of Judicial First Class Magistrate – II, Mananthavady, but the same was dismissed by the order dated 10/04/2007.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor. It is submitted by the learned Public Prosecutor that he was arrested on 07/04/2007. The case of the prosecution is that the petitioner was found in possession of 3.4 litres of arrack in 34 packets. The petitioner has produced a medical certificate

showing that he is suffering from Cervical Spondylitis for the last one year.

In the facts and circumstances of the case, I am inclined to grant bail to the petitioner. The petitioner shall be released on bail on condition that he executes a bond for Rs. 25,000/- with two solvent sureties each for the like amount to the satisfaction of the Judicial Magistrate of the First Class-II, Mananthavady.

(K.T.SANKARAN, JUDGE)

jg